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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------|---------------------|------------------|
| 10/724,324  | 11/26/2003  | Daniel Collin Jenkins | G&C 201.11-US-U1    | 1483             |
| 22462   | 7590        | 04/28/2006            | EXAMINER            |                  |
| GATES & COOPER LLP<br>HOWARD HUGHES CENTER<br>6701 CENTER DRIVE WEST, SUITE 1050<br>LOS ANGELES, CA 90045 |             |                       | PHAN, DAO LINDA     |                  |
|   |             |                       | ART UNIT            | PAPER NUMBER     |
|   |             |                       | 3662                |                  |

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/724,324

Applicant(s)

JENKINS ET AL.

Examiner

Dao L. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 and 35-51 is/are allowed.
- 6) ☒ Claim(s) 18-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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1. Amendment received on 3/14/06 has been entered in this application.
2. Claims 1-17, 35-51 are allowed.
3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., wherein each of the local generators generates a unique transmitter code **such that the first transponder transmits a different code than the second transponder** regardless of position of the **first** transponder and the **second** transponder) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
4. Claim 18-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 18, lines 9-10, applicant claims "a second positioning device". However, it's unclear what defines "a first positioning device" since "a first positioning device" is not positively recited.

Claims 19-34 depend from indefinite antecedent claim.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 18-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Reed (Pat. No. 3,774,215) or Rich et al (Pat. No. 5,636,123).

Reed teaches a network, a positioning device coupled to a network, and a method including a first network node having a first transponder 242 for receiving and transmitting communications signals, the first network node further comprising a first receiver for receiving position signals from a plurality of navigation beacons (abstract) , and a second network node having a second transponder 42 for receiving and transmitting the communications signals, the second network node further comprising a second receiver for receiving position signals from a plurality of navigation beacons (abstract), wherein each of the first and second receivers further include local code generators that are also used as transmitter code generators (col 12, lines 29+; fig. 6) for the first and second transponders.

Rich et al teach a network, a positioning device coupled to a network, and a method including a first network node having a first transponder A for receiving and transmitting communications signals, the first network node further comprising a first receiver for receiving position signals from a plurality of navigation beacons, and a second network node having a second transponder C for receiving and transmitting the communications signals, the second network node further comprising a second receiver for receiving position signals from a plurality of navigation beacons, wherein each of the first and second receivers

further include local code generators that are also used as transmitter code generators 121 for the first and second transponders.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 18-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming et al (Pat. No. 5,748,891) in view of Reed (Pat. No. 3,774,215).

Fleming et al teach a network, a positioning device coupled to a network, and a method including a first network node having a first transponder (localizer A) for receiving and transmitting communications signals, and a second network node having a second transponder (localizer B) for receiving and transmitting the communications signals, wherein each of the first and second receivers further include local code generators that are also used as transmitter code generators 118 for the first and second transponders. Fleming et al do not teach a receiver for receiving positioning signals from a plurality of navigation beacons. However, Reed teaches a receiver (110; 152; abstract) for receiving positioning signals from a plurality of navigation beacons. It would have been obvious to modify Fleming et al to employ a receiver for receiving positioning signals from a plurality of navigation beacons as taught by Reed into Fleming et al to track the location of the objects.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

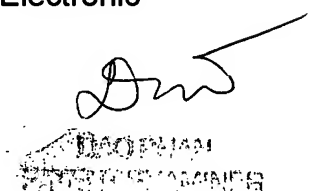
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dao L. Phan whose telephone number is (571)272-6976. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (571)272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink is positioned above a rectangular official stamp. The stamp contains the text "PATENT" and "OFFICE" in a bold, sans-serif font, with some smaller, less legible text below it.